

REMARKS

This Amendment is intended to be fully responsive to the Office Action dated January 7, 2003. Claims 1-12 are pending which have all been rejected.

Reconsideration of the application is respectfully requested following the present Amendment and entry of the following remarks:

1. As Claim 10 has been cancelled and the claims which depend upon multiple dependent claims have been changed, the objections of the Examining Attorney have been overcome.
2. The rejection of claims 1-2, 4-7, 9-12 under 35 U.S.C. 102(a) as being anticipated by Hill et al. (Epilepsia, 41(10):1241-1248, 2000) is respectfully traversed. This rejection is improper as Applicant is the sole inventor of the invention disclosed in the present application. All other authors listed in the article were either research assistants that followed the directions of Applicant or assisted in writing the article. An affidavit to this effect is submitted herewith. Therefore, reconsideration of the claims is respectfully requested.
3. The rejection of claims 1-12 under 35 U.S.C. 102(e) as being anticipated by Lesser et al. (Patent No. 6,248,126) is respectfully traversed. We believe that the disclosure in the Lesser patent is too broad to be enabling to one skilled in the art. However, the Lesser patent is not proper prior art under Section 102(e), as Applicant conceived of his invention prior to the effective date of the lesser patent and diligently reduced it to practice soon thereafter. An Affidavit relating thereto and evidence of the conception date is submitted herewith. Therefore, reconsideration of the claims is respectfully traversed.

4. As all of the Examiner's requirements and suggestions have been satisfied and the claims have been amended to overcome the rejections, Applicant respectfully submits the application is now in condition for allowance. Reconsideration is respectfully requested. Examiner is invited to telephone or e-mail the undersigned with any questions regarding this Amendment.

No additional fee is due.

Respectfully submitted,

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